

Mark Carman - May 15, 2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

MARK CARMAN, Individually	)	
and on behalf of All	)	
Others Similarly Situated,	)	
	)	
Plaintiff(s),	)	
	)	
V.	)	NO. 2:22-cv-00313
	)	
PORTSMOUTH REDEVELOPMENT	)	
AND HOUSING AUTHORITY,	)	
	)	
Defendant.	)	

DEPOSITION UPON ORAL EXAMINATION OF

MARK L. CARMAN

TAKEN ON BEHALF OF THE DEFENDANT

Portsmouth, Virginia

Monday, May 15, 2023

1     **Appearances:**

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3

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16     **Also Present:**

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Karen James, General Counsel for PRHA

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1 I N D E X

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3 DEPONENT PAGE

4 MARK L. CARMAN

5 Examination by Ms. North 5

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10 E X H I B I T S

11 NO. DESCRIPTION PAGE

12 Exhibit 1 W-9 22

13 Exhibit 2 Payment Enrollment Form 24  
three pages

14 Exhibit 3 Offer of Employment 45  
15 two pages

16 Exhibit 4 Classification Description 49  
four pages

17 Exhibit 5 2/24/22 email from Carman to 76  
18 Bland, one page

19 Exhibit 6 2/24/22 emails re: Reduction in 78  
20 security availability and capability  
two pages

21 Exhibit 7 2/24/22 email/attachment, ten 82  
22 pages, re: Misclassification of  
worker status

23 Exhibit 8 2/22/22 email/attachment 84  
24 Carman000001-10

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**E X H I B I T S (Continued)**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>Exhibit 9</b>	<b>5/3/22 email re: My resignation two pages</b>	<b>85</b>
<b>Exhibit 10</b>	<b>Pay Detail 45 pages</b>	<b>93</b>
<b>Exhibit 11</b>	<b>Pay Summary seven pages</b>	<b>97</b>

1                   Deposition upon oral examination of  
2   MARK L. CARMAN, taken on behalf of the Defendant,  
3   before Kerry E. Zahn, Registered Merit Reporter, a  
4   eNotary and Notary Public for the Commonwealth of  
5   Virginia at large, taken pursuant to Notice,  
6   commencing at 2:00 p.m. on Monday, May 15, 2023,  
7   at the offices of PRHA, 3116 South Street,  
8   Portsmouth, Virginia; and this in accordance with  
9   the Rules of the Supreme Court of Virginia, 1950,  
10   as amended.

11

12                   MARK L. CARMAN was sworn and  
13   deposed on behalf of the Defendant as follows:

14

15                   EXAMINATION

16   BY MS. NORTH:

17                   Q       Okay. Good afternoon, Mr. Carman.

18                   A       Good afternoon.

19                   Q       Again, I'm Susan North, and I  
20   represent Portsmouth Redevelopment and Housing  
21   Authority. If you don't mind, I may refer to it  
22   as just "the Authority."

23                   A       That's fine.

24                   Q       Does that make sense?

25                   A       I understand.

1           Q       All right. Have you ever had your  
2 deposition taken before?

3           A       Yes.

4           Q       So you know the general process. I  
5 will be asking you questions and I will give you  
6 time to respond. And you know it's important for  
7 the court reporter because she can only take one  
8 of us down at a time --

9           A       Yes.

10          Q       -- to let me finish and then I will  
11 try to do the same and let you finish your answer.  
12 Try not to interrupt each other. That kind of  
13 happens in normal conversation.

14                   Okay. This -- we're taking your  
15 deposition today under oath. Ms. Zahn is going to  
16 put you under oath in just a moment, and that's  
17 just like sworn testimony in court.

18                   Do you understand that?

19          A       Yes.

20          Q       Okay.

21                   MS. NORTH: And I turn it over to  
22 Ms. Zahn.

23                   THE COURT REPORTER: I already  
24 swore him in before we started.

25                   THE WITNESS: Yes.

1 MS. NORTH: Oh, you did? I'm  
2 sorry. I completely blanked out on that.

3 BY MS. NORTH:

4 Q All right. You have been placed  
5 under oath.

6 So, Mr. Carman, are you taking any  
7 medications today that could affect your  
8 testimony?

9 A No.

10 Q Could you just state your full name  
11 for the record?

12 A Mark, middle initial L, Carman,  
13 that's C-a-r-m-a-n.

14 Q Okay. And your address, sir.

15 A I will have to spell this out.

16 Q Okay.

17 A Use the abbreviation KM8 National  
18 Highway Barangays, which you can use BRNG,  
19 Bonifacio, Surigao City, S-u-r-i-g-a-o, City,  
20 Philippines, postal code 8400.

21 Q Do you have an address in the  
22 United States?

23 A Not anymore.

24 Q So this is the only address for  
25 yourself?

1                   A           Yes.

2                               I have an emergency address, if you  
3 will, with my son in Tennessee, but that's just  
4 like for if I needed something from my USA bank  
5 somewhere, but I don't use the address.

6                   Q           Okay.

7                               All right. I just returned from  
8 the Philippines.

9                   A           You did?

10                  Q           That's an amazing country.

11                  A           Yes.

12                  Q           How long have you lived there?

13                  A           When I left here -- we moved there  
14 in August, so I took a few months to get things  
15 together.

16                  Q           Okay. And are you living with  
17 anyone there?

18                  A           Yes.

19                  Q           Okay. And who is that?

20                  A           My wife.

21                  Q           All right. And who is your current  
22 employer, if anyone?

23                  A           Retired.

24                  Q           All right. Mr. Carman, have you  
25 ever filed a similar wage and hour lawsuit against



1 any other employer?

2 A No.

3 Q Have you talked to anyone about  
4 this deposition today?

5 A No one other than my counsel, a  
6 couple of the co-litigants, we've talked about the  
7 fact that it's -- or the one co-litigant that I  
8 know of and family members, but no other person in  
9 a professional authority.

10 Q Okay. And what did you talk to  
11 Mr. Marc Gonzalez about?

12 A The fact that we were having the  
13 deposition and that I hadn't spoken to him since I  
14 left the country and that. That's just about it.

15 Q Okay.

16 A The conversation was probably three  
17 minutes long.

18 Q And so you didn't talk about the  
19 actual substance of your lawsuit, the allegations  
20 and what you were going to say today or not say,  
21 anything like that?

22 A Not about testimony. We talked  
23 about the substance months back, and that hasn't  
24 changed, so we didn't really have a reason to  
25 discuss all that.

1           Q           Okay. And so what did you talk to  
2 him about months back, the last time you talked to  
3 him, with regard to this lawsuit?

4           A           I -- when I started here, when I  
5 was still working, I guess you'll say part time, I  
6 told him, I said, The way they are doing this is  
7 not within the law, it's not correct, and I  
8 told -- everybody knew that that was my position;  
9 that as people being paid hourly, we're not  
10 contractors. And I tried to make that case many  
11 times.

12                       So we've talked about that over  
13 time. I mean, we were friends, so we talked about  
14 it. We were co-workers. We talked about it.

15                       So, basically, the entire essence  
16 of the case.

17           Q           Okay. And did you talk about,  
18 after he had left and after you had left  
19 employment and providing services for the  
20 Authority, that you all would file something  
21 against the company or...

22           A           I didn't talk to him saying that we  
23 would.

24           Q           Okay.

25           A           I told him that I did.

1 Q Okay.

2 A No, I don't think I told him I did.  
3 I think he found out through a letter from the law  
4 firm.

5 Q Okay.

6 A I don't think I talked -- because I  
7 didn't talk to him the entire time I was in the  
8 Philippines.

9 Q Okay. When was the first time that  
10 you provided services for the Authority, do you  
11 remember?

12 A I want to say June of 2021.

13 Q And how -- go ahead.

14 A Or July. It was either June or  
15 July, I'm not sure.

16 Q Okay. And how did you come in  
17 contact with the Authority such that you engaged  
18 in this relationship?

19 A They ran an advertisement on  
20 Indeed.

21 Q Okay.

22 A Posted it as an hourly wage  
23 position. I responded. I was interviewed.

24 Q Do you remember with whom you  
25 interviewed?

1 A Keyond Gorley.

2 Q Okay.

3 A And then a second interview with  
4 Mr. Bland, and others were in the room.

5 Q Okay. And how was the offer to  
6 provide services to the Authority made to you?

7 A You mean in writing or verbal?

8 Q Right, correct.

9 A It was verbal.

10 Q Okay. And do you recall what that  
11 offer was?

12 A It initially was \$19 per hour.

13 Q Okay.

14 A And then it, I want to say within a  
15 week or two, it was \$20 an hour, and then it went  
16 to \$22 an hour.

17 Q Okay. Did you actually start  
18 working at 19 or --

19 A Yes, ma'am.

20 Q Okay.

21 A I believe my first paycheck was at  
22 19. I think so.

23 Q Okay.

24 All right. So over a short period  
25 of time it increased to \$22 per hour?

1 A Yes.

2 Q And was that the amount per hour  
3 that you agreed to be paid?

4 A Yes.

5 Q Until the end of your services?

6 A Yes.

7 Q Okay. When you worked by the hour.

8 A Right.

9 Q Okay. Did they have other security  
10 guard officers providing the same services when  
11 you first engaged with them?

12 A No.

13 Q So you were the first security  
14 guard officer providing security for them?

15 A No, but with a qualification.

16 Q Okay.

17 A There was a captain from the  
18 Sheriff's Department that had been dismissed from  
19 the Sheriff's Department and he was working there,  
20 and I'm told they were paying him and -- through  
21 the -- I was told when I went to work there he was  
22 getting paid as an off-duty police officer,  
23 because they were getting paid much more per hour  
24 than we were.

25 Q Okay. And that brings me to your

1 work experience.

2 Can you describe your work  
3 experience for me prior to joining the Authority?

4 A Well, I was with the Virginia  
5 Department of Corrections as a full-time employee.

6 Q Okay.

7 A My work experience prior to that  
8 was I've had reserve credentials in some capacity  
9 since I left full-time police work back in the  
10 '80s.

11 Q Okay.

12 A I started off as a Norfolk police  
13 officer, but I ended up going to Nashville as a  
14 paid song writer.

15 Q Okay.

16 A And I worked there, but I always  
17 kept my credentials there and worked in a reserve  
18 capacity.

19 So my -- my career was primarily in  
20 the music business from about 1989 --

21 Q Okay.

22 A -- until...

23 I got a Grammy nomination in 2014.

24 Q Okay.

25 A And I said I think I'm going to

1 retire right there with the belt --

2 Q Right, I don't blame you.

3 A -- because I was getting obsolete.

4 So I went back to my first love, which was law  
5 enforcement --

6 Q Okay.

7 A -- and worked in the Department of  
8 Corrections.

9 Q Okay. So you joined the Virginia  
10 Department of Corrections what, 2014/2015?

11 A No. Actually I want to say January  
12 of 2016, I believe.

13 Q Okay. And you said that was a  
14 full-time position?

15 A Yes.

16 Q Okay. And that was --

17 A When COVID came, it was a little  
18 more than full time.

19 Q Yeah.

20 So when you first started providing  
21 services for the Authority in June of -- or July  
22 of 2021, were you still full time employed with  
23 the Virginia Department of Corrections?

24 A Yes.

25 Q Did they know that you did this

1 work on the side?

2 A Yes. I had -- we had to fill out a  
3 paper to get authorization.

4 Q Okay. So it was technically part  
5 time on the side that you provided services to the  
6 Authority?

7 A That's correct.

8 Q Who was your supervisor at the  
9 Virginia Department of Corrections?

10 A I guess I would say the warden.

11 Q Okay. And who was that?

12 A That's interesting. I can't  
13 remember her name.

14 She had gotten married, and I  
15 can't -- I can't remember her name -- Watson.  
16 Gordon Watson.

17 Q And where was this located?

18 A It was initially at St. Brides,  
19 which is in Chesapeake.

20 Q And that's the location you worked  
21 at even though you were providing part-time  
22 services at the Authority?

23 A That's correct.

24 Q Okay. Did you provide security  
25 services for any other entity other than the



1 Authority?

2 A No.

3 Q Have you ever?

4 A Not that I recall.

5 I guess back when I was a full-time  
6 policeman, yeah, I worked part time off duty  
7 downtown in grocery stores and ball games, but  
8 that -- but not as a security guard, no.

9 Q What would that be -- in what  
10 capacity did you work those jobs?

11 A As an off-duty policeman.

12 Q Okay. How long were you a  
13 policeman?

14 A About four years full time.

15 Q All right. With Norfolk; right?

16 A Um-hum.

17 Q Okay. So when you first provided  
18 services to the Authority in June or July of 2021,  
19 you were the only security officer at the time  
20 providing those services; right?

21 A No.

22 Q Okay. Who else was here?

23 A Marc Gonzalez and I started the  
24 same day.

25 Q Okay.

1           A           The captain I referred to a little  
2 while ago, Riddick, was already on board.

3           Q           Okay.

4           A           Keyond Gorley was the supervisor  
5 and was on board.

6           Q           And Captain Riddick, did you know,  
7 did he provide full-time or part-time services, if  
8 you know?

9           A           I don't know. I mean, I've been  
10 told --

11          Q           Right.

12          A           But of my own knowledge, I don't  
13 know.

14          Q           Okay. So when the Authority first  
15 retained you, they did retain you as an  
16 independent contractor in June or July of 2021;  
17 right? That was your understanding?

18          A           It was not my understanding.

19          Q           Okay.

20          A           But I accepted it when it was told  
21 to me later that they weren't going to hold out  
22 taxes and all that, because at that point it was a  
23 part-time job, but it quickly turned into a lot of  
24 hours.

25          Q           Okay. How long did you provide

1 part-time work to the Authority, if you remember?

2 A Maybe two weeks. And probably less  
3 than that because of the way the scheduling would  
4 come down.

5 Q Okay. So about how many hours did  
6 you start with?

7 A Well, our schedule at the  
8 corrections department, we worked two days one  
9 week, five days the next week.

10 Q Okay.

11 A So on the two-day weeks, I might  
12 work 50 hours or more for the Authority and then  
13 on the other days it would be 20, 30.

14 Q Okay. So it depended on your,  
15 first and foremost, your schedule with the  
16 Virginia Department of Corrections, then --

17 A Yes, at first.

18 Q Okay.

19 -- and then, depending upon what  
20 you had to work in that job, you knew what your  
21 availability was to provide services for the  
22 Authority?

23 A At that point, yes.

24 Q Okay. And you -- for about how  
25 long?

1                   A           I got promoted in July to  
2 lieutenant.

3                   Q           Okay.

4                   A           Transferred to Sussex.

5                   Q           In which job?

6                   A           Correction.

7                   Q           Okay.

8                   A           With a transfer to Sussex.

9                   Q           Okay.

10                  A           I told them I was not going to be  
11 able to work here any longer --

12                  Q           Right.

13                  A           -- because I couldn't make that  
14 drive and work there. So that's when the offer  
15 was made for me to come on full time.

16                  Q           Okay. Was this in about January of  
17 2022 or February 2022?

18                  A           No. That was July of 2021.

19                               And then in February I resigned  
20 from the Department of Corrections based on  
21 full-time employment here, with benefits, and be  
22 able to keep my VRS, is what I was told.

23                  Q           Okay. So you got promoted and  
24 transferred to Sussex with the Virginia Department  
25 of Corrections about when?

1           A           Well, the actual paper -- the  
2           actual transfer and the promotion all took place I  
3           want to say July 30th or 31st.

4           Q           Okay. Of 2021?

5           A           Of 2021.

6           Q           Okay.

7           A           We had started in June or July,  
8           whatever it was, and then quickly I got the  
9           opportunity to be promoted and drive 65 miles to  
10          work, and it was thrown out to me, Hey, if you  
11          don't -- if you stay here, we'll put you on full  
12          time.

13          Q           Okay. And so it sounds like it  
14          took about not quite a month but almost a month  
15          for that to happen?

16          A           No. I resigned I believe it was  
17          August 18th, so --

18          Q           I thought you said 21st.

19          A           -- roughly 18 days.

20          Q           Okay. So August 18th or so you  
21          resigned from the Virginia Department of  
22          Corrections?

23          A           Effective that date, yes.

24          Q           Okay. Mr. Carman, I'm going to  
25          hand you some documents, and just bear with me

1 because I'm going to walk around and hand them to  
2 you.

3 A Okay. Sure.

4 Q Okay. First let me put a label on  
5 it.

6 (W-9 marked as Carman Exhibit  
7 Number 1)

8 MS. NORTH: That's for you and  
9 counsel.

10 And let me give you a second one  
11 while I'm here. We'll talk about that next.

12 THE WITNESS: I have Marc  
13 Gonzalez's in my package as well.

14 BY MS. NORTH:

15 Q Yeah, I'm sorry.

16 A That's okay.

17 Q Sometimes they just come together  
18 like that.

19 A That's fine. Just letting you  
20 know. I didn't know if it was a mistake.

21 Q I appreciate it.

22 Okay. What I've handed to you as  
23 Carman Exhibit 1 is a copy of a W-9 form; correct?

24 A Yes.

25 Q Is that something you completed and

1 submitted to the Authority around June 17, 2021?

2 A It is.

3 Q Okay. And is that your signature,  
4 sir?

5 A It is.

6 Q All right. And do you understand  
7 what a W-9 form is?

8 A I do.

9 Q So it's meant for nonemployees, is  
10 that correct, so that you can get paid as a  
11 vendor?

12 A I'm not that familiar with the tax  
13 code if that's the only thing, but that would be  
14 my understanding of it.

15 Q Okay. Just trying to find out if  
16 you understood that and what this form was for so  
17 that you could get paid as an individual  
18 contractor, not as an employee, which would be a  
19 W-4 form.

20 A Sure.

21 Q Does that make sense?

22 A Yeah. I mean, if you're not in  
23 that line of work, it's -- the line gets blurred,  
24 but, yes.

25 Q Okay.

1 A I know what that is.

2 Q Okay.

3 A I do now.

4 Q And can you look at the second  
5 document that we've entered as Carman Exhibit 2.

6 A Um-hum.

7 (Payment Enrollment Form, three  
8 pages marked as Carman Exhibit  
9 Number 2)

10 BY MS. NORTH:

11 Q Is that your signature dated  
12 6/17/21?

13 A It is.

14 Q Okay. And it says Vendor Payment  
15 Enrollment Form; correct?

16 A Yes.

17 Q And, again, that would just support  
18 that you were going to be paid as a vendor by the  
19 Authority; would that be fair to say?

20 A That would be fair to say.

21 Q Okay. And is this your banking  
22 information on the second page?

23 A It is.

24 Q Okay. And you provided that  
25 information to the Authority?



1 A I did.

2 Q Okay. Mr. Carman, is it fair to  
3 say that you were paid directly by the Authority  
4 every two weeks? Do you recall that?

5 A On the normal payroll cycle, yes.

6 Q Okay.

7 A That would be every two weeks.

8 Q Okay. And tell me how you  
9 submitted time to the Authority so that you could  
10 get paid for your hours worked.

11 A We were required to complete a  
12 timecard showing the hours worked.

13 Q Okay. Tell me what that timecard  
14 looked like.

15 And they provided it to you?

16 A Keyond Gorley gave us an Excel  
17 sheet for us to write in our time, and we did  
18 that. And I just went ahead and typed it up  
19 because it was easier for me to keep records of it  
20 for myself to save what I turned in.

21 Q Okay.

22 A And then we would give those to  
23 Keyond Gorley.

24 Q Okay. So when you said an Excel  
25 sheet, was it a printout of like --

1 A Yes.

2 Q Okay.

3 A With the grids.

4 Q Okay.

5 A And it said hours, you know, time  
6 in, time out, hours worked; yes.

7 Q Okay. But you decided to type it  
8 up yourself for recordkeeping purposes and so  
9 could you read it and turn it in?

10 A Yes.

11 Q Okay. Did they dispute --

12 A I gave it to Keyond for him to  
13 approve it.

14 Q Okay.

15 A I turned it into an Excel form  
16 because I said, This looks sloppy, so...

17 Q Okay. So did they dispute with you  
18 how you turned it in?

19 They just wanted some recording of  
20 your hours worked, right, and your time in and  
21 time out?

22 A I never heard any dispute about it.

23 Q Okay. And did you submit all your  
24 hours worked when you provided services to the  
25 Authority the whole time you provided services?

1 A Not after I went on salary.

2 Q Okay. So before you went on  
3 salary, did you submit to them all the time that  
4 you worked?

5 A Yes.

6 Q And did you get paid either 19, 20  
7 or \$22 an hour for all that time?

8 A Straight time, yes.

9 Q Straight time.

10 A Yes.

11 Q So you got all your straight time.

12 A I had no question with my pay --

13 Q Okay.

14 A -- on that regard.

15 Q Okay.

16 A And I will say this. If there ever  
17 was a discrepancy with myself or the other people,  
18 it was a matter of addressing it, and it -- and  
19 getting paid what was due was never a problem in  
20 that regard.

21 Q Okay. And when you got the payment  
22 from the Housing Authority, you noticed, correct,  
23 that there were no payroll taxes or anything  
24 deducted therefrom; right?

25 A Yes.

1 Q And that was in keeping with the  
2 Authority's -- at least the Authority's treatment  
3 of you as an independent contractor; right?

4 A I wouldn't know what their  
5 reasoning for it was. It would be in line, I  
6 guess, with that.

7 Q Okay. So to the -- to your  
8 knowledge, are you claiming any unpaid wages for  
9 the time when you weren't put on salary and  
10 employed with the Authority as a W-2?

11 A You mean hours I worked for which I  
12 was not compensated?

13 Q Are you saying there are any hours  
14 that you worked that you weren't compensated for?

15 A No.

16 Q Okay. What is it specifically that  
17 you are alleging with regard to any wages you  
18 weren't paid?

19 A Well, when I went on salary, I was  
20 told to don't -- to only turn in 40 hours.

21 Q Okay.

22 A Regardless of how much time I  
23 worked, only do 40 hours.

24 Q Okay. But before that, if you  
25 worked 50, 60, whatever hours, you recorded it and

1 you turned it in and you got paid for it; right?

2 A Yes. No dispute on the -- on  
3 calculating the hours correctly.

4 Q Okay. Did you understand,  
5 Mr. Carman, that as an independent contractor,  
6 when you provided part-time services and  
7 especially when you worked for the Virginia  
8 Department of Corrections, that you weren't  
9 entitled to overtime pay during that time period?

10 A I understood it, but that's why I  
11 complained about it all the time.

12 Q Okay.

13 A It wasn't right and it wasn't fair.

14 Q Okay.

15 A And, yes, I -- yes, I understood  
16 it, but that's why I complained about it from the  
17 very beginning.

18 Q Okay. So what was it that you  
19 thought was unlawful about you not getting  
20 overtime pay for the time when you provided  
21 part-time services and you were employed with the  
22 Virginia Department of Corrections?

23 A If I worked 60 hours in a week at a  
24 grocery store part time, they would pay me  
25 overtime.

1 Q Okay. That's if you were employed  
2 by the grocery store; right?

3 A Yes.

4 Q Okay. What if you were an  
5 independent contractor, did you understand that as  
6 an independent contractor you're not entitled to  
7 the overtime?

8 I'm just asking what you  
9 understood.

10 A Well, from my -- I understood this.  
11 I wanted to get paid, but I also understand that  
12 they were supposed to be -- that we were supposed  
13 to be employees the way they were working us.

14 Q And why did you -- go ahead.

15 A We were being directed by a boss.  
16 We were being directed by emails and by -- what to  
17 do with a posted schedule. We were told what time  
18 to come, processes and procedures, use of their  
19 vehicles. We had no authority to make any kind of  
20 decisions about anything to do with the operation.  
21 We had no ability to hire and fire. We -- we were  
22 treated just as employees and were referred to as  
23 employees.

24 Q Okay. So when you say you were  
25 directed by a boss, who was your boss?

1           A           Keyond Gorley and Edward Bland.

2           Q           Okay. And what kind of directions  
3 would they give you about being a security guard?

4           A           Everything.

5           Q           Okay. I need specifics.

6           A           Don't talk to police about  
7 anything --

8           Q           Okay.

9           A           -- without it going through Keyond  
10 Gorley. Don't do this, do that. It would be  
11 like, Patrol this area, don't patrol that area.

12          Q           Yeah.

13          A           Report this. Go out and  
14 investigate that. We had a shooting; Go out and  
15 investigate that. We had a, you know, a  
16 destruction of property; Investigate that.

17          Q           Did you have to do a daily report  
18 after each shift?

19          A           Yes.

20          Q           And what did that consist of?

21          A           The details of what transpired  
22 during the shift.

23          Q           Even if nothing transpired, nothing  
24 happened?

25          A           No significant events.

1 Q Okay. And who did you turn that in  
2 to?

3 A Initially Keyond Gorley.

4 Q Okay.

5 A When he left, we turned it in to  
6 Mr. Bland.

7 And then when I took over, I was  
8 directed to turn those in to Valerie Jenkins or  
9 Alisa Winston or both, and I just copied everybody  
10 on it.

11 Q Okay.

12 All right. And did they give you  
13 the forms and everything to write these daily  
14 reports on and incident reports and investigative  
15 reports?

16 A It was just an -- yeah, just an  
17 end-of-shift report; sent an email.

18 Q Okay. So they didn't give you a  
19 form. You just typed up what happened and sent  
20 it?

21 A They told us what they wanted on  
22 it.

23 Q Okay.

24 A But we took it a little further and  
25 we would include pictures because it was better



1 for us to be able to show what the situation was.  
2 Instead of just writing a paragraph --

3 Q Right.

4 A -- we would include pictures  
5 incident by incident. It just evolved into that.

6 Q Okay.

7 A And they wanted that. They -- the  
8 first time they saw that, they said, Oh, yeah,  
9 let's do this.

10 Q Okay. So based on your training  
11 and skills as a police officer and your experience  
12 as a Virginia Department of Corrections officer,  
13 did you just do that because you knew that's what  
14 should be done and the Authority adopted what you  
15 brought to them --

16 A No.

17 Q -- or did they give you forms to  
18 use? Tell me.

19 A Well, initially -- I think I've got  
20 an email on it -- but it was -- it had letterhead  
21 and then it said End of Shift Report --

22 Q Okay.

23 A -- and then a blank spot.

24 Q And then that's what you completed?

25 A That's what we were told to do.

1           Q           When you were first retained to  
2 provide services to the Authority, did they  
3 provide you with any training on how to be a  
4 security guard?

5           A           No. They required us to obtain  
6 training and give documents. They trained us how  
7 to be a security guard at the PRHA, at the  
8 Authority.

9           Q           Okay. So they trained you on how  
10 to be a security guard for them.

11          A           Yes.

12          Q           What training did you go through?

13          A           Keyond Gorley walked us through  
14 from these are where the properties are to these  
15 are the forms you use for a ban notice, like if  
16 someone's banned, these are the forms you use to  
17 report property damage. This is the process,  
18 procedure.

19          Q           Okay.

20          A           Basically, you know, this is the  
21 camera system.

22          Q           Okay.

23          A           This is how you operate the camera  
24 system.

25          Q           But did they teach you on how to be

1 a security guard, like what it's like to patrol  
2 and use of force, things like that?

3 A No. They gave directives on what  
4 they wanted for use of force and not for use of  
5 force.

6 Q Okay. Did you know of any security  
7 guard providing services that didn't have some  
8 kind of law enforcement background that worked for  
9 the Authority during the time you did?

10 A Yes.

11 Q Okay. Do you remember who?

12 A All of them except Gonzalez.

13 Q So all of them, they didn't have  
14 any law enforcement experience?

15 A Just security guards.

16 Q Okay.

17 A One of them had been a bouncer that  
18 Gorley hired and he had never had any kind of  
19 training or anything like that. But the -- the  
20 other people were -- they had license because that  
21 was the way they ran the ad, you had to have a  
22 license, you had to be licensed by the DCJS to  
23 perform as a security guard.

24 Q Okay. For the position that you  
25 applied for as well?

1 A I don't remember.

2 Q Okay.

3 A I know that Marc Gonzalez got his  
4 license after he was hired.

5 Q Okay.

6 A And I know that I got my  
7 appointment on behalf of the PRHA as a special  
8 conservator of the peace in Virginia after I was  
9 employed here.

10 Q Is that the appointment or license  
11 you're talking about to be a special conservator?

12 A No.

13 There are various steps.

14 Q Okay.

15 A There are various categories of  
16 license. There's unarmed, armed, armed with  
17 arrest authority. Then if you're armed, you have  
18 to have the endorsements for all the various  
19 weapons.

20 Q Correct.

21 A Yes.

22 Q Okay. So I'm sorry. Are you  
23 saying that the Authority required a specific  
24 license by the DCJS for everyone who was a  
25 security guard or they didn't?

1           A           Well, as far as I understood, they  
2           required it for everyone.

3           Q           Okay.

4           A           I wasn't in that capacity, so I'm  
5           saying it's my understanding they did.

6           Q           Okay.

7           A           As would if you went to work  
8           anywhere else, in order to have arrest authority,  
9           you have to be cleared by the DCJS even if you're  
10          a full-time police officer.

11          Q           Right.

12          A           You have to have a license with the  
13          DCJS, so yes.

14          Q           Okay. So do you know, for  
15          yourself, after you got the conservator of the  
16          peace certification, did you have arrest  
17          authority?

18          A           I did.

19          Q           Okay.

20          A           I had arrest authority as an armed  
21          security with arrest authority.

22          Q           Okay.

23          A           But then we had a little more  
24          comprehensive authority on the PRHA property which  
25          gave us essentially police powers on the property

1 and mine was extended one mile beyond the  
2 property.

3 Q Okay.

4 A I believe Marc Gonzalez's was two  
5 miles beyond the property, but mine was extended  
6 one mile beyond the property. He just got his  
7 after I got mine, so...

8 Q Go ahead.

9 A And on the application, you know,  
10 we didn't sign that. We didn't apply that.

11 The applicant is the Portsmouth  
12 Redevelopment and Housing Authority on the  
13 document.

14 Q I was going to ask you that.

15 Who applied and who paid for that?

16 A That was all done by the -- by --  
17 the application, I don't think there is a fee for  
18 it. I think you just submit it to the Court.

19 Q Okay.

20 A And you fill out that and then...

21 Q I thought you had to go to classes  
22 and --

23 A You have to have the classes, but I  
24 think all of it for mine and Gonzalez's was exempt  
25 because of our prior experience.

1 Q Okay.

2 A See, I was already DC certified --  
3 DCJS certified in firearms and handcuffing and  
4 that sort of stuff --

5 Q Okay.

6 A -- so we didn't have to do  
7 anything.

8 Q Okay. That makes sense.

9 But as far as applying it and  
10 sending it to court and getting their approvals,  
11 you're saying the Authority did that. You did not  
12 do that in your own capacity?

13 A Correct. It says right on the  
14 documents that the applicant is the Portsmouth  
15 Redevelopment Housing Authority.

16 Q Okay. And tell me about the  
17 schedule.

18 Who made the schedule?

19 A Keyond Gorley.

20 Q Okay.

21 A And after he left, Marc Gonzalez.

22 Q All right. And how did you find  
23 out about what times you had to work?

24 A We would get an email with the  
25 schedule on it.

1 Q Okay.

2 A And it would also be posted inside  
3 our office.

4 Q All right. And what did you have  
5 to do in order to excuse yourself if you had a  
6 conflict because of whatever either personal or  
7 work reasons?

8 A I would have to call Keyond Gorley  
9 or Marc Gonzalez. But I had already left -- I'm  
10 pretty sure I had already left the Department of  
11 Corrections before Gonzalez took over -- oh, yeah,  
12 I know I was -- I know I did, yeah --

13 Q Okay.

14 A -- because I remember when Gonzalez  
15 took over.

16 Q Did the Authority provide you with  
17 any equipment --

18 A Yes.

19 Q -- for you to be a security guard?

20 A Yes.

21 Q Okay. What equipment?

22 A Radios, body cameras --

23 Q Okay.

24 A -- automobiles, fuel for the  
25 automobiles, office equipment, paper stock.



1 Q Okay. What about --

2 A Placards for our bulletproof vests  
3 that said "PRHA" on them.

4 Q What about any weapons?

5 A We were -- we had to provide our  
6 own weapon.

7 Q Okay. Flashlights, billy club or  
8 anything like that?

9 A Nh-huh, they didn't provide any of  
10 that. You had to provide that yourself.

11 Q Okay. And what about a shirt or a  
12 uniform, did they --

13 A They did, they provided a shirt, a  
14 golf shirt that had the "PRHA" on it.

15 Q Okay. Did you pay for that --

16 A No.

17 Q -- or did they?

18 Okay. All right. Were you subject  
19 to any discipline or writeups during the time you  
20 provided services?

21 A No, not until after I was on  
22 salary, and then it was like I was a target, so...

23 Q Did you discipline any other  
24 security guards while you were nonsalaried?

25 A I didn't have the authority.

1 Didn't have the capacity to do that.

2 Q Okay. And you said you reported to  
3 Keyond Gorley for a while and then Marc Gonzalez?

4 A Yes.

5 Q Okay. So what do you mean by  
6 "reported to"? What did you have to do with  
7 regard to reporting to them?

8 A Well, we would give our  
9 end-of-shift reports --

10 Q Okay.

11 A -- to Gonzalez. We would -- he  
12 would do the scheduling. He would be in the  
13 position of being the acting director, so he --  
14 everything. Everything we did --

15 Q Okay.

16 A -- would be reported to the person  
17 either -- it was Keyond Gorley until he left, and  
18 then there was nobody in that position, so  
19 Gonzalez being the senior guy in our pecking order  
20 there just took over the role.

21 Q Okay.

22 A Somebody has to be setting the  
23 schedule, and he was the guy told to do it.

24 Q How many people did Gorley, when he  
25 was there, supervise or monitor, oversee? About.

1 A About five.

2 Q What about Mr. Gonzalez?

3 A About the same.

4 Q Okay. And so how was it determined  
5 who would patrol which properties?

6 A Well, we were told where to patrol.

7 Q Okay.

8 A Sometimes it would come from one of  
9 the property managers who, you know, like I forget  
10 what her capacity is, but Valerie Jenkins was like  
11 over the operational things, you know, the  
12 day-to-day stuff of all the properties.

13 Sometimes it would come from  
14 Mr. Bland himself, sometimes it would come from  
15 Alisa Winston, which I believe was his deputy.

16 So it was all coming from the top  
17 as far as, you know, if there were -- a lot of  
18 times it was normal patrol, just go do it, and  
19 then a lot of times there were this specific  
20 situation, Hey, we received an email, we received  
21 a tip, we received a complaint, et cetera,  
22 et cetera.

23 Q Okay. Did you have access to  
24 email?

25 A Yes.

1 Q You said you did.

2 Okay. And did you have an  
3 Authority email or did they use your personal  
4 email to communicate with you?

5 A Well, I used my personal email to  
6 communicate until -- I think until I went on  
7 salary.

8 Q Okay.

9 A But we did have ID cards and stuff  
10 issued by the Authority.

11 Q And when was that? Back in June or  
12 July of 2020?

13 A Yeah, when we first started.

14 Q Okay. And did it have the  
15 Portsmouth Authority credentials on it?

16 A Yeah, it had the logo and all that;  
17 yeah.

18 Q Did you have to have a  
19 certification in CPR or anything like that?

20 A We didn't have to.

21 Q Okay. Let me get you the next two  
22 documents.

23 Mr. Carman, do you recognize what  
24 we've entered as Exhibit Number 3 dated  
25 February 22nd, 2022?

1                   A           I do.

2                               (Offer of Employment, two pages  
3                               marked as Carman Exhibit Number 3)

4 BY MS. NORTH:

5                   Q           Okay. Is that your signature on  
6                               the second page?

7                   A           Yes.

8                   Q           And it says that the Portsmouth  
9                               Redevelopment and Housing Authority is pleased to  
10                              extend you an offer of employment for the position  
11                              of security program and risk management officer at  
12                              an annual salary of \$48,620; is that right?

13                  A           That is.

14                  Q           So does this refresh your  
15                              recollection on when you became full time employed  
16                              as a W-2 employee with the Authority?

17                  A           It does.

18                  Q           Okay. And before this time, tell  
19                              me in what capacity you were working as far as  
20                              full time, part time, and what you were doing  
21                              before this, right before this time.

22                  A           From August until this date --

23                  Q           Okay.

24                  A           -- I was working full time.

25                  Q           Okay. And what were you doing for

1 the Authority?

2 A What we described previously in  
3 this interview all the way up to here.

4 We were doing basic patrol  
5 functions, we were doing the normal day-to-day  
6 things that that would require. It would overlap  
7 into property issues, because that was what the  
8 whole job encompassed. It wasn't just ensuring  
9 the -- the criminal element; it was also about  
10 safety and reporting, like if there were broken  
11 windows and glass and un- -- unfit conditions,  
12 things like that.

13 Q All right. And was Mr. Gonzalez  
14 from August of 2022 until February of 2022 in that  
15 supervisory capacity you talked about earlier?

16 A I'm not sure when he left, but I  
17 believe it was like right at that time, yes. It  
18 would have been -- because I moved right in right  
19 after he moved out.

20 Q Okay.

21 A So it would have been February.  
22 Whenever he left.

23 Q Okay.

24 A He was in that capacity until he  
25 left.

1 Q Did you take over that position, is  
2 that --

3 A Kind of like he did when Keyond  
4 Gorley left. I was the senior guy there, so it  
5 was left up to me.

6 Q Okay. So when you were hired as an  
7 employee in February -- on February 22nd, 2022,  
8 you knew that was an employee, full time, and you  
9 got your benefits and a guaranteed salary; right?

10 A I knew it was and I knew how it got  
11 there is because I had been telling him,  
12 Mr. Bland, You promised to put me full time in  
13 September, and you haven't done it, and I either  
14 need a job or I'm going to go get one and I'm  
15 going to file a lawsuit on you.

16 Q Okay. But you knew when you were  
17 hired in February of 2022 that you were hired to  
18 manage this department with a guaranteed salary  
19 and the benefits that came along with that as  
20 stated in this offer letter; right?

21 A As stated in this offer letter,  
22 yes.

23 Q Okay.

24 A I was -- I knew that, but I was  
25 always -- the answer is yes.

1           Q           I understood that you were  
2           complaining about it beforehand, but I'm just  
3           trying to establish when you were hired --

4           A           I understand. The timing is this  
5           day.

6           Q           Okay. And I want to get an  
7           understanding from you of what your job was.

8                        You were to take over and to manage  
9           the department and manage the other security  
10          guards; right?

11          A           By this letter.

12          Q           Yes.

13          A           By -- I will say this. My  
14          testimony will be that I signed this under duress.  
15          I signed this because it says on the back that I  
16          had until 5 o'clock to do it --

17          Q           Okay.

18          A           -- and I wouldn't have a job if I  
19          didn't do it, if I didn't accept this. And I  
20          complained about it, I argued about it, but I  
21          needed to have a job.

22          Q           Okay.

23          A           So, yes.

24          Q           So you just said you had bugged  
25          Mr. Bland about doing this, and he gave it to you.



1                   So why were you signing under  
2           duress if it's what you wanted?

3           A           Because it wasn't near the amount  
4           that I was supposed to get. It was -- it was  
5           nothing. And, plus, he told me that this  
6           (indicating) didn't mean anything; just to keep  
7           doing what I was doing. That's what he told me.

8           Q           Okay.

9           A           He said, This job description, you  
10          don't need to do all that insurance stuff, you  
11          don't do any of that stuff. You just go keep  
12          doing what you are doing.

13          Q           Okay. So we will talk about what  
14          you did then instead of the job description.

15                   But just to be complete, if you  
16          look at what we've entered as Exhibit Number 4, it  
17          does say this was a job description for the  
18          security program -- programs manager, which you  
19          were given when you were offered this full-time  
20          job in February 2022; right?

21          A           Yes.

22                   (Classification Description, four  
23          pages marked as Carman Exhibit  
24          Number 4)

25

1 BY MS. NORTH:

2 Q But Mr. Bland said you don't have  
3 to fulfill every single one of these duties; he  
4 just wanted you to do what you had been doing for  
5 the security guard department, right?

6 A That is correct.

7 Q So let's go back to the job that  
8 you were hired to do in February of 2022.

9 Are you -- are you testifying that  
10 he guaranteed you some kind of other salary before  
11 you signed this document?

12 A Before I signed which document?

13 Q The Exhibit Number 3.

14 A The original doc- --

15 Q Exhibit Number 3, the offer letter.

16 A This document (indicating)?

17 Q Yes, sir.

18 A Mr. Bland had promised me back when  
19 I said I was going to quit, I came into this  
20 office and sat with him, and he said, We'll put  
21 you on in September even if I have to put you in  
22 on one of the maintenance worker slots because we  
23 don't have that slot available, but I'll put you  
24 on so you can get your benefits and get your VRS.

25 Q Okay.

1           A           Didn't happen. I kept on and on  
2 and on about it.

3           Q           Okay.

4           A           Didn't happen.

5           Q           Okay.

6           A           Finally we get in there --

7           Q           Yeah.

8           A           -- and this comes out to a pay cut  
9 of several thousand dollars a year based on what I  
10 had been making at the hourly rate.

11          Q           Okay. So it's not that he  
12 guaranteed you a certain amount of money because  
13 you were paid by the hour and that depended on the  
14 hours you were working?

15          A           Oh, yes. But I was told to keep  
16 working the same hours but only turn in 40 hours.

17          Q           Okay. So that's what I want to get  
18 to.

19                   Do you understand as a manager when  
20 you're paid an exempt -- I mean, when you are paid  
21 an annual salary and you manage a team of people,  
22 that you are exempt from overtime?

23          A           Depends on a lot of different  
24 moving parts there.

25          Q           Okay. But my question is, did you

1 have a basic understanding that when you're hired  
2 at that level and guaranteed a salary, you are  
3 expected to do the job no matter how many hours it  
4 takes?

5 A Nope. I argued that point with  
6 him. I argued that point with him and said, No,  
7 you can't just put somebody up to the threshold,  
8 work them 70, 80, 90 hours a week, and then not  
9 pay them overtime.

10 If you don't have decision-making  
11 authority and hiring and firing authority and all  
12 that, you're an hourly employee --

13 Q Okay.

14 A -- or you're not exempt -- not an  
15 hourly employee; you're not exempt --

16 Q Okay.

17 A -- from overtime.

18 And that's the way I understood the  
19 law, and I researched it thoroughly before I got  
20 into all this.

21 Q Okay. So before -- when you signed  
22 the February 22nd, 2022 letter, are you saying  
23 that you did not have the authority to hire other  
24 security guards for your team?

25 A Absolutely not.

1 Q Okay.

2 A Even after I got this, I didn't.

3 Q Okay. Who hired them?

4 A Ed Bland or Keyond Gorley before  
5 that.

6 Q Okay.

7 A But Ed Bland had to approve  
8 everybody. They had to come in here and sit down  
9 and talk to him. He had to hire them. We  
10 couldn't hire anybody. He had to hire them  
11 directly.

12 Q So I understand he had to approve  
13 everyone's hire as an executive director.

14 But did you recommend anyone? Did  
15 you tell him, I want to hire this person and then  
16 he approves it?

17 A I personally never did, not one  
18 person.

19 Q So you didn't interview or talk to  
20 any security guard candidates while you were in  
21 this --

22 A I interviewed a couple of  
23 candidates based on -- I think I was just in on  
24 the interview with Gonzalez and Keyond Gorley and  
25 other people, but I don't think I directly

1 interviewed anybody. I didn't need to hire  
2 anybody.

3 Q You didn't need anyone for your  
4 team?

5 A No. It was the same people that  
6 were there before.

7 Q Okay.

8 A And then he told me when we -- when  
9 Gonzalez left, now we're down to me and three  
10 others, and he said, No, you just keep doing the  
11 same thing. You just keep going what you're  
12 doing. Instead of it being Gonzalez and four  
13 people, it was Carman and three people to do the  
14 same job.

15 Q Okay.

16 Well, sometimes that happens. A  
17 lot of people have worked a lot of hours with  
18 fewer resources in companies. You know that's  
19 happening; right?

20 A Yes, ma'am.

21 Q Okay. But so when you were the  
22 manager of the department, at first you're saying  
23 you didn't need to hire anyone so no one was hired  
24 technically during the time that you were the  
25 manager after February 22nd, 2022; is that right?

1 Nobody was hired as a security guard?

2 A No. It was the same people.

3 Q Okay. So... and then as time went  
4 on, a couple people left you just testified;  
5 right?

6 A Before I became the manager.

7 Q Okay. But you said you went  
8 from -- did you --

9 A Keyond Gorley left and Gonzalez  
10 left.

11 Q Okay. But did any security guards  
12 other than yourself who weren't -- they were in a  
13 managerial capacity.

14 Did anyone else leave?

15 A There was a guy that worked a  
16 little while, maybe a couple weeks, named Billy  
17 Hardy.

18 Q Okay.

19 A And then there was a guy Manny  
20 Perez that worked a few weeks.

21 Q Just here or there?

22 A That's it. That was way early on  
23 in the deal.

24 Q Okay. We don't have to worry about  
25 that.

1           A           That was way early on.

2           Q           All my questions right now are  
3 after you signed the February 22nd, 2022 letter  
4 where you became the manager of this department.  
5 You didn't have to hire anyone because you had the  
6 staff already in place, you're saying; right?

7           A           Correct.

8           Q           Okay. And did you have the  
9 authority to recommend someone be disciplined or  
10 terminated if they messed up who was on your team?

11          A           It was made specifically clear to  
12 me by Ed Bland I didn't have any authority to do  
13 anything. He gave me that to shut me up  
14 (indicating).

15          Q           Okay. So the whole time that you  
16 managed the team of people providing security  
17 services to the Authority, you're saying you  
18 didn't feel like you had the authority to go to  
19 him and say, So-and-so messed up. We need to  
20 write him up or terminate her.

21          A           Ma'am, as of the date of this, I  
22 got an email that said I'm no longer to have any  
23 contact with Ed Bland and I have to do everything  
24 through Valerie Jenkins.

25          Q           Okay. When was that?



1           A           Like the next day or so.

2           Q           Okay.

3                   All right. So, technically, you  
4 reported to Valerie Jenkins after you signed that  
5 document, Exhibit Number 3?

6           A           Yes.

7           Q           Okay.

8                   All right. Did you make the team  
9 schedules after the February 22, '22 letter, 2022  
10 letter?

11           A           Those schedules were submitted as a  
12 recommendation to Valerie Jenkins, and she  
13 approved it.

14           Q           Okay. Did you communicate with the  
15 team members on your team about the schedules and  
16 where -- what to patrol, what properties to patrol  
17 and, et cetera?

18           A           Yes.

19           Q           Okay. Did the team members submit  
20 any of the daily reports to you at the end of the  
21 shift or end of the day?

22           A           They all reported to me at the end  
23 of the shift and the end of the day.

24           Q           Okay.

25           A           Yes.

1 Q Okay. And then did you submit  
2 whatever you submitted to higher level management  
3 to Valerie Jenkins?

4 A Yes.

5 Q Okay. Did you have to request that  
6 anybody on your team be disciplined for any  
7 wrongdoing or misconduct?

8 A No.

9 Q Okay. Did you recommend that any  
10 of them receive any kind of pay raise during the  
11 time you managed them?

12 A No.

13 Q Did you have the authority to  
14 recommend to Valerie that you thought someone  
15 needed a pay raise?

16 A No.

17 Q So Valerie would just determine for  
18 herself without any input from you if someone  
19 needed a raise?

20 A It never came up. I wouldn't have  
21 any idea.

22 Q Okay. Did you go through the  
23 Portsmouth Authority's orientation for new hires  
24 when you -- after you signed this letter?

25 A Yes.

1 Q Okay. And do you remember what  
2 that consisted of, what type of training that was?

3 A Handed me a booklet and said, Read  
4 this, sign here.

5 Q Okay. Employee handbook?

6 A Um-hum.

7 Q And did you do that?

8 A Yes.

9 Q Okay. Did they tell you you don't  
10 need to record any hours at all for yourself?

11 A No. They told me that I had to  
12 turn in 40 hours. I asked the question, So then  
13 what happens if I get called out at it 2 o'clock  
14 in the morning because there's a shooting?

15 Just turn in 40 hours.

16 Q And how many people were on your  
17 team after February 22nd?

18 A Myself plus three.

19 Q And who were the three?

20 A Tenisha Stithe --

21 Q Okay.

22 A -- Kevin Perry and Nathaniel  
23 Jackson.

24 Q Was it the three of them until you  
25 resigned?

1 A Yes.

2 Q And were each of those individuals  
3 full time or part time?

4 A They had been working the same kind  
5 of hours as everybody else.

6 But after this occurred  
7 (indicating), he put them all on the payroll, so  
8 to speak, giving them benefits and, et cetera, but  
9 cut their hours back to 33 hours a week.

10 Q Okay. So after -- when you started  
11 managing them as a team in February of 2022, they  
12 all worked about 33 hours or so a week?

13 A That's what they were allowed to  
14 work.

15 Q Okay. You understand that an  
16 employer is allowed to determine the hours worked  
17 by its providers of services or employees?

18 A Yes.

19 Q Okay. And you've mentioned a  
20 couple times or intimated that those three  
21 individuals became employees, W-2 employees at  
22 some time after you signed Exhibit 3 or  
23 thereabouts?

24 A Almost immediately.

25 Q Okay.

1 A Within a day or two, as I recall.

2 Q Okay. If one of your team members  
3 needed some time off, would they come to you and  
4 ask you first?

5 A I don't recall it happening, but --  
6 after I took over because they weren't getting  
7 enough hours anyway, so I don't -- I don't  
8 remember it happening.

9 Q Okay. But if they needed to, would  
10 they go to you first as the manager of the  
11 department?

12 A Perhaps, but they probably would  
13 have just gone to Valerie.

14 Q Without telling you or asking you?

15 A Yes, because I was only in that  
16 position as a quasi position. That was made clear  
17 to me.

18 Q Okay. But my question is, if you  
19 made the schedules for them and they were  
20 approved --

21 A But I didn't make them anymore --  
22 oh, okay.

23 Q They were approved by Valerie  
24 Jenkins. You wrote them out, though, right?

25 A It was the schedule and then that's

1 the schedule and it didn't change.

2 Q Okay.

3 A So...

4 Q But you had to look at it and know  
5 who was assigned to what property and what times.  
6 You had to do that.

7 A They were assigned to all of them.

8 Q I'm sorry?

9 A Everybody was assigned to all of  
10 them.

11 Q Okay.

12 A Patrol them all.

13 Q Okay. But you got that shifts and  
14 you looked at it before you would pass them on to  
15 your people; right?

16 A No. It was printed one time and  
17 just hung up; that's the schedule.

18 Q And it never changed?

19 A Not that I recall.

20 Q Even your -- and that applies to  
21 yourself as well?

22 A Oh, mine was just all the time.

23 Q Were you on that schedule that was  
24 printed or not?

25 A No.

1           Q       Okay. So do you recall any of your  
2 three team members having to come in late or leave  
3 early for any reason?

4           A       Not after I took this position, not  
5 that I recall.

6           Q       Okay. So they were never late and  
7 they never had to leave early, to the best of your  
8 recollection?

9           A       Yeah, not that I recall.

10          Q       Okay.

11          A       Now, Nate was habitually 10, 15  
12 minutes late. But other than that, it wasn't  
13 like, Hey, I need to have a day off or...

14          Q       Yeah, okay.

15          A       No.

16                   And if they needed something like  
17 that, they just worked it out themselves. They  
18 would just say, Hey, I will work for you if you  
19 will work for me.

20          Q       They didn't have to go through you  
21 to make sure that was okay?

22          A       No, ma'am.

23          Q       Okay. Let me get you the next  
24 document here.

25                   So, Mr. Carman, is it your

1 testimony that while these three people  
2 technically reported to you as nonmanagement level  
3 people in the security department, you did nothing  
4 to manage them --

5 A No.

6 Q -- in their day-to-day operations  
7 while they performed services?

8 A That is not my testimony.

9 Q Okay.

10 A My testimony is that scheduling --

11 Q Okay.

12 A -- which you asked me about, I had  
13 no control over it.

14 Q Okay.

15 A Hiring and firing, discipline, I  
16 had no control over it.

17 Q I mean, are you saying you didn't  
18 have the ultimate say or are you saying that you  
19 didn't have any -- you couldn't even give any  
20 input whatsoever?

21 A Oh, I could give input --

22 Q Okay.

23 A -- as any other employee could.

24 Q Okay. But somebody else made the  
25 ultimate decision on those issues you just talked



1 about?

2 A Yes.

3 Q Okay. How did you direct these  
4 employees day to day then, on a day-to-day basis?  
5 What direction did you give them? How did you  
6 manage them?

7 Because you said -- you denied that  
8 you didn't do anything at all, so I'm asking you  
9 what you did do.

10 A Well, we basically showed up, and  
11 it was basically if they got into --

12 (talking over)

13 Q They did what they wanted --

14 A If they got in a situation where  
15 they needed an investigation and it was out of  
16 their category -- out of their league, I would do  
17 that.

18 But it wasn't that they just did  
19 what they want. It's they knew what to do and did  
20 what they were supposed to do. They didn't need  
21 somebody holding their hand all the time.

22 Q Okay.

23 A It was, Here's the schedule. Show  
24 up, do your job, do your reports. That's it.

25 Q Okay. My question is did you do

1 anything to overlook their reports to make sure  
2 that they filled them out?

3 A Yeah.

4 Q And they were done correctly?

5 A They submitted them to me and I  
6 would look at them.

7 Q Okay. And what if they needed help  
8 with an investigation? Could they come to you  
9 first --

10 A Sure.

11 Q -- to seek guidance --

12 THE COURT REPORTER: I'm sorry, can  
13 I just ask to just -- I'm hearing both of you at  
14 the same time.

15 THE WITNESS: I'm sorry.

16 THE COURT REPORTER: So I just --

17 THE WITNESS: Yes, I'll wait. I  
18 apologize.

19 THE COURT REPORTER: Perfect.

20 Thank you.

21 So I think I started to hear, What  
22 if they needed help with an investigation...

23 BY MS. NORTH:

24 Q -- could they go to you for  
25 guidance?

1 A Yes.

2 Q Okay. If they had any questions  
3 about their day-to-day duties or responsibilities,  
4 would they go to you first to seek help?

5 A Maybe an opinion.

6 Q Yeah.

7 A But they would go directly to  
8 Valerie, too, if they needed to.

9 Q So there was no requirement for  
10 them to run anything by you first? They could go  
11 directly to Valerie on anything related to their  
12 jobs?

13 A For the most part. I mean, they --  
14 there was really nothing official about the way it  
15 ran from that point on. It really wasn't...

16 Q Okay. So did you do anything to  
17 help create any policies or procedures to put in  
18 place with the department to help it run smoothly  
19 or to help direct it in how it did business for  
20 the Authority?

21 A Yes.

22 Q Okay. Give me some examples.

23 A I can't recall any right off, but  
24 I'm one of those guys that I try to do process  
25 improvement when I see things that are like out of

1 whack, I'll make a suggestion, say, Hey, why don't  
2 we do this, why don't we try that, what do you  
3 think about this, let's do that.

4 Yes, so I did that kind of stuff.

5 Q Okay. Then you would work with  
6 Tenisha, Kevin and Nathan on those things when you  
7 had an idea on how to improve things?

8 A Yeah, we would discuss it and then  
9 discuss it with whomever it was necessary to  
10 discuss it with.

11 We had a lot of interaction with  
12 the police after that. The camera system, we had  
13 gotten really good at using the camera system, and  
14 so we would work closely with the police on a  
15 couple -- specifically a couple shootings --

16 Q Oh, okay.

17 A -- a couple homicides that we were  
18 able to use our cameras and track people back.

19 So there was a lot of team-type  
20 discussion, but it was not like I'm-the-boss;  
21 you're-not type thing.

22 Q So when you say you weren't the  
23 boss, then who ran the department if you didn't  
24 but you were hired to do it?

25 A Essentially, technically, it would

1 be me. In application, I had no authority.

2 Q Okay. Why do you keep saying you  
3 had no authority --

4 A Because Mr. --

5 Q Wait, wait, wait.

6 You don't have to have the ultimate  
7 authority, but if you had significant input to  
8 make recommendations to higher management on  
9 anything related to a department you're managing,  
10 that's what I'm talking about. I don't mean  
11 ultimate authority, yes or no you can do it or not  
12 do it.

13 A My opinion, my opinion is I have no  
14 authority.

15 Q Okay. And tell me why based on  
16 what I just described to you as being authority.

17 A How far do you want me to go all  
18 the way into it?

19 Q Only since you signed the  
20 February 22nd, 2022 letter.

21 A Okay. February 22?

22 Prior to that, that Chevy Traverse  
23 out there was a car for whoever was in this  
24 position to have that car so that you could  
25 respond in the middle of the night (indicating).

1 Q Okay.

2 A You would take that home.

3 Q Yes.

4 A It has emergency lights on it.

5 It was taken from me. I was not  
6 allowed to have it.

7 Q Okay.

8 A That's one.

9 Q Then you just had to use your own  
10 car?

11 A To respond, yeah.

12 Q Okay.

13 A But I wasn't allowed to turn in  
14 fuel or mileage.

15 Q Okay. But that's not authority to  
16 manage the department.

17 A Okay.

18 Q That's just some perks being taken  
19 away.

20 A I don't know what you're asking  
21 me --

22 Q Okay.

23 A -- other than Ed Bland controls  
24 everything here up to and including while I was  
25 here, he had, from what I was -- learned,

1 terminated the HR director so there would be  
2 nobody but -- that the employees could go to if  
3 they had issues like I had.

4 Q Okay.

5 A So I'm just telling you, I had  
6 my -- I had no teeth. And I was no different than  
7 anybody, other than he gave me that to try and  
8 shut me up.

9 Q Okay.

10 A That's my position.

11 Q Okay.

12 A And that will remain my position.

13 Q Okay. And I understand to a  
14 certain degree that you had issues with some of  
15 the perks that may have existed before you took  
16 over the manager position, a Portsmouth Authority  
17 specific car wasn't available to you anymore, you  
18 had to use your own, you couldn't submit for  
19 certain mileage.

20 But when it came to managing your  
21 department, if you -- my question is, did you have  
22 the authority to present Ed Bland or anyone else  
23 in higher authority with ideas on how to change  
24 policies and procedures in your department?

25 A No more than the janitor.

1 Q Okay.

2 A And that's going to be my position  
3 no matter how many times you ask it.

4 Q I just want to make sure you  
5 understand, because you just said you didn't  
6 understand what I was asking you.

7 A And I want to make sure you  
8 understand my answer.

9 Q Right. Okay.

10 A It was made clear to me I was  
11 nobody.

12 Q Okay. So as a result of you being  
13 told you were no one, you did nothing to manage  
14 the three people on your team; right?

15 A I showed up and I did my job, which  
16 was to act like a security guard.

17 Q Okay. No management --

18 A And then I did --

19 Q -- at all of these three  
20 individuals who reported to you. None.

21 A I mean, I didn't have the authority  
22 to, ma'am. I don't know how many times I'm going  
23 to have to answer the same question and it's going  
24 to be the same answer every time.

25 Q Okay.



1           A           I had no authority. It might be on  
2 paper, it may be assumed, but I had no authority  
3 to do anything after this date (indicating).

4           Q           So I guess what I'm struggling with  
5 is you keep saying that, but you don't give me  
6 examples. And when I ask you things, your answer  
7 is different, like, Yeah, I made some policy  
8 changes.

9           A           No, I didn't say I made policy  
10 changes. I want that corrected in the record if  
11 that's what you got.

12          Q           Yeah.

13          A           I have made suggestions --

14          Q           Okay, that's fine.

15          A           -- and then they were all turned  
16 down and then I just quit making suggestions.

17          Q           Okay. But you had the ability to  
18 make suggestions; right?

19          A           If that's what you want the answer  
20 to be, I will agree to it.

21          Q           Yes, that's what I want.

22          A           Okay. That's the answer.

23          Q           I want to know whether you had the  
24 ability to submit input on how to manage your  
25 team.

1           A           Just like every other team member.

2           Q           Okay. If you felt like you needed  
3 to hire another team member for your team, did you  
4 have the ability to ask --

5           A           Ma'am, I could ask --

6           Q           Hold on.

7           A           -- for a hundred thousand dollar  
8 raise.

9           Q           Let me finish first.

10          A           Go ahead.

11          Q           Did you have the ability and were  
12 you expected to make that request to higher level  
13 management on what you wanted for your department?  
14 Whether it was additional people, equipment,  
15 supplies, money, hours, did you have -- were you  
16 expected by management to let them know what you  
17 needed to manage your department?

18          A           What answer do you want me to give  
19 you so I can answer it?

20          Q           Whether you had the --

21          A           Well, I tried --

22          Q           Whether you had -- that was the  
23 expectation was you were supposed to ask them  
24 about them and -- ask about these things about  
25 whether you could get it.

1                   Now, whether you got it or not, I  
2     don't know.

3                   I just want to know that -- did you  
4     think that was your job as manager to go to them  
5     and ask for things on behalf of your department  
6     like resources, extra money, extra equipment, more  
7     uniforms, things like that?

8                   A           Under normal circumstances in a  
9     normal job, I would think so.

10                  But not in this job. I thought I  
11     had no capacity whatsoever.

12                  Q           Okay. Did you complain to  
13     Mr. Bland or Mr. Jenkins (sic) about your lack of  
14     alleged authority to do any of these managerial  
15     duties?

16                  A           Mr. Bland would not entertain  
17     conversation with me.

18                  Q           Okay. Did you ask anyone else?

19                  A           Pardon me?

20                  Q           Did you ask anyone else? Because  
21     you were supposed to go to Valerie Jenkins. Did  
22     you ask her?

23                  A           No.

24                  Q           Why not?

25                  A           I guess maybe I was just defeated.

1 Q Okay.

2 A Maybe I'd been through enough and I  
3 was just defeated.

4 Q Here is the next exhibit.  
5 (2/24/22 email from Carman to  
6 Bland, one page marked as Carman  
7 Exhibit Number 5)

8 BY MS. NORTH:

9 Q What we've entered as Exhibit 5 is  
10 an email from you to Mr. Bland; right?

11 A Yes.

12 Q And Edward Bland is the executive  
13 director of the Authority; correct?

14 A Yes.

15 Q Okay. And it says as of  
16 February 24th 2022, you were confirming in an  
17 email some of the directives he had given you  
18 about the use of force and carrying weapons in  
19 your department; right?

20 A That's correct.

21 Q Some things were changing; is that  
22 right?

23 A Yes.

24 Q Okay. And so was it up to you to  
25 go back to your team members, Tenisha, Kevin, and

1 Nathan, and make sure they understood these  
2 changes?

3 A Yes.

4 Q Okay. And were you to serve as the  
5 compliance officer overseeing the accurate  
6 documentation regarding all training and licensing  
7 for the department?

8 A I've never been certified as a  
9 compliance officer.

10 Q I don't -- I'm not talking about  
11 any kind of official certification.

12 Were you designated like you said  
13 here to serve as the compliance officer for the  
14 Authority about overseeing training and licensing?

15 A That's what I had in mind at this  
16 time.

17 Q Okay. Let me show you these last  
18 documents.

19 There you go.

20 Mr. Carman, what we've entered as  
21 Exhibit Number 6 is an email. At the bottom you  
22 will see it's from you to Edward Bland with some  
23 other individuals copied who are at the Authority;  
24 right?

25 A Yes.

1 (2/24/22 emails re: Reduction in  
2 security availability and  
3 capability, two pages marked as  
4 Carman Exhibit Number 6)

5 BY MS. NORTH:

6 Q And, again, it was to document and  
7 implement some directives about reducing security  
8 staff hours, not having weekend patrols, and that  
9 the -- the fact that some -- some folks would be  
10 unarmed; is that right?

11 A Whatever it says on the paper, yes.

12 Q Okay. And were you responsible for  
13 making sure that the staff didn't work any more  
14 hours than what was directed to you?

15 A No.

16 Q Who made sure that the hours  
17 weren't exceeded?

18 A Valerie Jenkins -- or Valencia  
19 Jenkins.

20 Q Okay.

21 A I keep calling her Valerie Jenkins.  
22 It's Valencia.

23 Q Okay.

24 A It's -- "Val" is what we always  
25 called her.

1 Q Okay.

2 A Val Jenkins.

3 Q Okay. So she worked individually  
4 directly with each one of you in the security  
5 department to make sure the hours weren't exceeded  
6 as outlined in this email; is that right?

7 A To be fair, we discussed it. And  
8 this is only two days after signing this letter.  
9 I'm not sure at what point it was that I was told  
10 to have no more communication with Bland, but it  
11 was soon after this.

12 Q Okay. That's fine. I just --

13 A Well, let me -- let me get to it.

14 I do recall in laying out the  
15 schedule and doing this, there was discussion with  
16 Miss Jenkins, because she and Alisa Winston had a  
17 fit over the fact that we weren't going to have  
18 weekend patrols, and they said, We can't do that.  
19 That's what -- they said to me that.

20 Q Okay.

21 A So...

22 Q Why are they talking to you instead  
23 of each individual person on your team?

24 A Because this was two days after the  
25 letter, ma'am.

1 Q Okay.

2 A Let's be realistic. It was two  
3 days after the letter was signed.

4 Q What does that mean?

5 A Well, it means that up until  
6 whenever it was that I was told to not have any --  
7 to not do anything, basically I was under the  
8 assumption this was my job (indicating).

9 Q Okay. So you did that --

10 A But I found out later that this  
11 wasn't my job.

12 Q Okay.

13 A I found out later this was just not  
14 my job (indicating).

15 Q All right. So was there a decision  
16 to reinstate the weekend patrols? If you  
17 remember.

18 A I know I did it. I did the weekend  
19 patrol.

20 I truly don't remember.

21 Q Okay. That's fine. I'm only  
22 asking what you remember.

23 A Right. I truly don't remember.

24 Q Right, okay.

25 So there was a time after



1 February 22nd, 2022, when you believed you were  
2 supposed to manage the department and carry out  
3 normal managerial duties on behalf of the  
4 department; right?

5 A Yes.

6 Q And how -- how long did you -- were  
7 you under that belief until you say Mr. Bland told  
8 you otherwise?

9 A It wasn't very long. I don't have  
10 a specific day, but it just -- I felt like from  
11 day one he was trying to get rid of me. That's --  
12 that's what I feel like.

13 Q Okay. Even though he hired you and  
14 offered you a full-time position?

15 A Yes, ma'am.

16 Q Okay.

17 A I felt like he hired me and offered  
18 me a full-time position because he didn't want to  
19 get sued.

20 Q Well, you sued him anyway. It  
21 doesn't control whether someone sues you; right?

22 A Correct, I did.

23 Q Here you go. That's the next  
24 exhibit.

25

1 (2/24/22 email/attachment, ten  
2 pages, re: Misclassification of  
3 worker status marked as Carman  
4 Exhibit Number 7)

5 BY MS. NORTH:

6 Q Take your time and take a look at  
7 that.

8 Do you recognize that, Mr. Carman?

9 A I do.

10 Q Okay. And so what we've entered as  
11 Exhibit Number 7, again, is an email from you to  
12 various folks at the -- first to Bruce Lalonde.

13 Who is Bruce Lalonde.

14 A He was the chairman of the board of  
15 directors here.

16 Q Okay.

17 All right. And so if you turn the  
18 page, what you did is send him a copy of a concern  
19 that you had forwarded to Alisa -- Alisa Winston;  
20 right?

21 A Yes.

22 Q And it outlined that you were  
23 dissatisfied with how you came on board full time  
24 with the Authority; is that right?

25 A Yes.

1 Q Okay. And after -- after the --  
2 let me see here.

3 After you sent this to Alisa on  
4 February 11, you were offered the full-time  
5 position with the Authority on February 22, 2022;  
6 right?

7 A Yes.

8 Q Okay. Did you ever get a response  
9 from someone from the Authority on your  
10 February 11, 2022, email to Alisa?

11 A I don't remember.

12 Q So you don't remember whether the  
13 Authority ever responded to your complaint?

14 A They responded to me, not in  
15 writing, I don't remember if they did, but they  
16 responded to me by me having a meeting with  
17 Mr. Bland.

18 Q Okay. Tell me what happened.

19 A That's when we had the meeting and  
20 this transpired, this February 22nd document.

21 Q Okay. I will give this to you.

22 Do you recognize that, Mr. Carman?

23 A Um-hum.

24 Q And what we've entered as  
25 Exhibit Number 8 is a copy of an email you sent to

1 some Portsmouth Authority folks talking about how  
2 you felt you were misclassified as a worker;  
3 right?

4 A Yes.

5 Q Okay.

6 (2/22/22 email/attachment  
7 Carman000001-10 marked as Carman  
8 Exhibit Number 8)

9 BY MS. NORTH:

10 Q Was this -- I see it was 10:28 a.m.  
11 Is this before or after you signed  
12 the offer letter for full-time employment?

13 A It was before.

14 Q Did you know this offer letter was  
15 coming on February 22nd, 2022?

16 A To my knowledge, it wasn't, so, no,  
17 I did not know.

18 Q So when you left -- you said you  
19 met with Mr. Bland before the February 22nd, 2022,  
20 offer letter.

21 How did you leave that meeting as  
22 far as -- did you agree upon anything?

23 A Not that I recall, no.

24 Q Okay. And so you had no idea that  
25 he was going to make you a full-time job offer?

1           A           Absolutely none.

2           Q           Okay. And let me see here.

3                       This is what I need next. This is  
4 your resignation. I forgot to put a sticker on  
5 it. Forgive me.

6                       Do you recognize that, Mr. Carman?

7           A           I do.

8           Q           Okay. What we've entered as  
9 Exhibit Number 9 is your resignation; is that  
10 right?

11          A           Yes.

12          Q           And it's dated May 3rd, 2022?

13          A           Yes.

14                       (5/3/22 email re: My resignation,  
15 two pages marked as Carman Exhibit  
16 Number 9)

17 BY MS. NORTH:

18          Q           Did you depart on May 3rd, 2022,  
19 that same day?

20          A           I'm pretty sure I did.

21          Q           I just didn't know if you recalled  
22 giving any kind of notice.

23          A           No.

24          Q           All right. And so you told the  
25 Authority that you were resigning and that you

1 were reporting a violation to the Department of  
2 Labor and that you were going to file complaints  
3 with the EEOC.

4 And you request some damages at the  
5 bottom. It says that you felt like you were owed  
6 overtime wages.

7 A Yes.

8 Q 30- -- excuse me \$32,947.50; is  
9 that right?

10 A No, no, I don't think -- wait a  
11 minute.

12 Q Let's see.

13 A Based upon the total amount I was  
14 paid, which is 32,947.50, I'm entitled to  
15 compensation for.

16 Q Okay, I gotcha. Thank you for that  
17 clarification.

18 So how did you calculate the one,  
19 two, three, four -- five separate itemizations  
20 below that 32,974.50 number?

21 A Based on the total hours that I  
22 worked and the rate that I would have been  
23 compensated for my Social Security tax off of  
24 32,974.50; also, the same for Medicare; my VRS  
25 contributions, 8 percent of total pay, which is

1 what I should have been paid if I was working as  
2 an employee here as I should have been.

3 Q Should have been contributed you  
4 mean to your plan?

5 A That they would have contributed on  
6 my -- yeah.

7 Q Okay.

8 A Yes. And Workers' Comp insurance  
9 that I had self-paid. I have receipts for that,  
10 for that \$514.38.

11 Q Okay. That was before you were  
12 employed full time; correct?

13 A Right. It ran through 2/22. 10/22  
14 to 2/22.

15 Q Should that be 10/21 to 2/22?

16 A Yes.

17 Q Okay.

18 A But it was already 2/22, and I was  
19 confused.

20 Q I gotcha.

21 A Unpaid vacation 6 days at 8 hours,  
22 and I used the employee handbook for the number of  
23 days that that would have amounted to.

24 Q So did anyone help you do these  
25 calculations or you just did them yourself?

1 A I just did them myself --

2 Q Okay.

3 A -- using the formulas that I got  
4 off the internet as if I were doing payroll.

5 Q Right.

6 So did you get any response to this  
7 demand, basically?

8 A No.

9 Q Okay. Did you have a lawyer at the  
10 time you wrote this?

11 A No.

12 Q How far did you find your lawyer?

13 A I went on the internet searching  
14 for an attorney that handled -- that specialized  
15 in this sort of thing.

16 Q And what's your arrangement with  
17 the attorney?

18 A They are my attorney.

19 Q I know. But how are you paying  
20 them?

21 A They will get paid if we win the  
22 case.

23 Q Okay. So they are on a contingency  
24 fee?

25 A Yes.



1 Q What's the percentage?

2 A It could be up to 40 percent.

3 Q Okay. Do you know how much in  
4 attorneys' fees that they have spent already?  
5 Have they sent you any kind of statement or  
6 anything?

7 A No idea.

8 Q Did you pay any kind of retainer or  
9 anything?

10 A I did not.

11 Q Okay. Can you list for me the --  
12 all the damages that you're claiming in this case,  
13 like what monies you think you were owed and for  
14 what time period.

15 A Now that I have an attorney, I  
16 would rather not do that until I have spoken with  
17 my counsel to see exactly what I'm entitled to.

18 Q Well, the time is now to do that  
19 when your deposition is taken. I hope that you've  
20 been working with your attorney to give that  
21 information. We requested it in writing in  
22 discovery, so hopefully you've given that to him.

23 So any information you have on  
24 that, if you know it, you have to -- you have to  
25 disclose it at this time.

1           A           Well, this is what I've articulated  
2 right here to the best of my knowledge  
3 (indicating).

4           Q           Okay.

5           A           But I don't know what else I would  
6 be entitled to. I don't know what the limits are,  
7 what the -- you know, I don't know.

8           Q           Okay.

9           A           I really don't know.

10          Q           Okay.

11          A           All I know is I want what's fair  
12 and reasonable. I don't want anything that's  
13 unfair and unreasonable. I'm not trying to get a  
14 hundred thousand dollars.

15          Q           Okay. Do you mean you want -- you  
16 want what's legally -- that you feel if you should  
17 win what you're legally entitled to? Because  
18 that's different than fair and reasonable.

19                      Is that fair to say? You want what  
20 the law says --

21          A           Yes.

22          Q           -- you get if you get anything?

23          A           Yes.

24          Q           So have you discussed with your  
25 attorney what hours you worked and what overtime

1 you think you've worked and how much that equates  
2 to? Have you done any of that?

3 A I have not.

4 Q Okay. Have you been asked by your  
5 attorney to do that at all?

6 MR. SHORT: I'm going to object to  
7 attorney/client privilege.

8 MS. NORTH: I didn't ask him what.  
9 I just said, Have been asked to answer discovery.  
10 BY MS. NORTH:

11 Q I don't want to know what you  
12 talked about with your lawyer. I just want to  
13 know did he ask you to look at some things that we  
14 sent you and asked for documentwise and  
15 questionwise?

16 A Not that I recall.

17 Q Okay. Did you review and approve  
18 the lawsuit that was filed in this case?

19 A Yes.

20 Q Okay. Do you understand what your  
21 claims are in this case?

22 A Yes.

23 Q Okay. Can you outline them for me  
24 briefly what you understand?

25 A Not without a document in front of

1 me to refresh my memory in case I miss something.

2 Q I don't expect you to remember  
3 everything.

4 A Basically, the way I understand  
5 it --

6 Q Yes, sir.

7 A -- is if we prevail on this, I  
8 would be entitled to be compensated for my  
9 overtime hours --

10 Q Okay.

11 A -- that I did not get paid.

12 Beyond that, depending upon the  
13 egregiousness as may be seen by a court of  
14 competent jurisdiction, there may be double  
15 damages. I don't know.

16 Q Okay.

17 A I don't know enough about this type  
18 of law to address anything beyond that.

19 I would presume that one would be  
20 entitled to be reimbursed for where I've had to  
21 pay my own Social Security for the time that I was  
22 not being properly paid and I had to pay into my  
23 own Medicare, because I did have to pay into those  
24 through the IRS.

25 So I really don't -- I really don't

1 know other than -- what I understand is that this  
2 action is exclusive for unpaid overtime wages.

3 Q Okay. I appreciate that.

4 Let me hand you the last exhibit.

5 A Okay.

6 Q It's your pay.

7 And do I have that right? Is that  
8 10?

9 A Yeah, this is 10.

10 (Pay Detail, 45 pages marked as  
11 Carman Exhibit Number 10)

12 BY MS. NORTH:

13 Q Take a look at that packet,  
14 Mr. Carman, and I need you to clarify whether  
15 that's all the hours you submitted and this is all  
16 the pay that you received from the Authority.

17 A Do you want me to go through every  
18 single one of these?

19 Q Yes, sir. Hopefully it's the not  
20 the first time you've been seeing some of this  
21 stuff, so...

22 A Well, it is. It will take awhile.

23 Q Take your time.

24 A May I ask a couple qualifying  
25 questions to kind of short-shoot through this?

1 Q Sure.

2 And let me direct your attention to  
3 the first thing right here.

4 If you look on the second page,  
5 Number 2, is that something you all would submit,  
6 your team, to the Portsmouth Authority?

7 A Yes.

8 Q It has hours.

9 So if you look -- that's why I was  
10 hoping you can see your name and you can see the  
11 dates you worked and the hours you worked and the  
12 rate.

13 A Um-hum.

14 Q So can you verify that?

15 A This appears to be correct.

16 Q Okay.

17 A As far as the total and all that, I  
18 would have to go here line by line and go based  
19 off the emails and stuff where I emailed these in  
20 and kept my own records, but I'm pretty sure,  
21 because some of these documents -- this one here,  
22 this is signed by Marc Gonzalez.

23 Q Sometimes they have both your names  
24 on it --

25 A Yeah.

1 Q -- because it's both of you.

2 So it's just for you to verify on  
3 behalf of yourself, not on behalf of anybody else.

4 A I'm going to do this. I'm going to  
5 say it this way. Based upon my experience in  
6 accounting with the PRHA, I'm going to assume this  
7 is a thorough document and I'm going -- my  
8 testimony -- my answer will be that, qualified  
9 with this. If all of the pay sheets are here,  
10 this would be an accurate assessment --

11 Q Correct. Okay, I appreciate that.

12 A -- instead of going through line by  
13 line.

14 Q I understand that.

15 All right. And if you could look  
16 at that, this is for the time that you worked  
17 before you became an employee in February of 2022.

18 If you look at this, it takes you  
19 through the end of 2021.

20 A Yes.

21 Q Okay. And so, again, if you turn  
22 to the second page of Exhibit 10 and you see your  
23 name and the date worked and the hours worked and  
24 the hours and the rate, of course you submitted  
25 those hours; right? On behalf of yourself.

1 Do you see where it says Mark  
2 Carman?

3 A Yes, I submitted those to the  
4 supervisor.

5 Q Okay. So whenever we see this type  
6 of document in your packet related to you and your  
7 hours, you are testifying that those are accurate  
8 hours that you worked during that time?

9 A Not being able to dispute it and  
10 knowing the accounting of my previous  
11 experience --

12 Q Yes, sir.

13 A -- I'm going to stipulate that is  
14 accurate.

15 Q Okay. Thank you.

16 A I believe that to be accurate.

17 Q Okay. So I lied a little bit. I  
18 thought that was the last exhibit, but this is  
19 actually the last exhibit.

20 A I don't want to have to say in  
21 front of this court reporter that I need to use  
22 the bathroom.

23 Q Let's go ahead and take a break.

24 A If you just got one more  
25 document...



1 Q Let's -- it's certainly fine for  
2 you to take a break.

3 A I didn't want that in the record,  
4 but...

5 Q It's okay.

6 A I know.

7 Q Here you go. Take a look at that  
8 for me, Mr. Carman. I would submit that this is  
9 your pay for the time that you were an employee  
10 and being paid a salary.

11 A Okay.

12 (Pay Summary, seven pages marked  
13 as Carman Exhibit Number 11)

14 BY MS. NORTH:

15 Q So you just look at that and let me  
16 know --

17 A Yes, I'll stipulate this is  
18 accurate because I never seen -- I have never seen  
19 these type sheets.

20 Q Okay. But I just want you to look  
21 at the information on it.

22 Your salary, according to the  
23 payroll, was 1870 biweekly based on the salary in  
24 your employment letter; right?

25 A I believe that would be accurate.

1 Q Yes, sir.

2 And if you look -- let me see what  
3 page it is -- it's a payment for your vacation  
4 when you departed. I'm looking for that.

5 Do you recall getting a check for  
6 that as well?

7 A Not --

8 Q Here it is, the second page. It's  
9 for 389.19 for 16.65 hours of vacation.

10 A I recall that.

11 Q Okay. And so you were paid that  
12 out; correct?

13 A Yes.

14 Q All right.

15 MS. NORTH: All right. Let's go  
16 off the record and take a break.

17 THE WITNESS: Yes.

18 (Recess)

19 MS. NORTH: Back on the record.

20 BY MS. NORTH:

21 Q So, Mr. Carman, just to make sure I  
22 understand your claims, for the time that you were  
23 a full-time employee, are you saying that you were  
24 not paid for some overtime you worked? Are you  
25 asserting that you didn't record hours that you

1 worked?

2 A I am asserting that, yes.

3 Q Okay. So we need to go through and  
4 from February 22nd of 2022 through May 3rd, I need  
5 to know how many hours per week you're saying you  
6 worked.

7 A I -- it would be mere speculation  
8 because it really was around-the-clock. It would  
9 be work a normal 40-hour week; okay? That normal  
10 40-hour week would be arrive at about 8:30 --

11 Q Okay.

12 A -- and then I would work about four  
13 to six hours, then come back because most of our  
14 work would be in the evening hours.

15 Q Okay.

16 A Now, there were times when I would  
17 get called out first thing in the morning because  
18 there's somebody sleeping in one of the foyers in  
19 one of the apartment-type houses.

20 Q Okay.

21 A So I would respond to that.

22 If there's a shooting. If there's  
23 a fire. If there is some sort of a serious-nature  
24 thing, the police were told to notify me. So I  
25 would get a call from 911 dispatch to respond.

1                   So I don't have any way of  
2                   calculating it.

3                   I can say that a typical week would  
4                   be -- it seemed like I worked all the time,  
5                   because sometimes I did.

6                   But a typical week would -- after  
7                   they cut it back to the 33 hours piece for those  
8                   guys, I was probably working 60 hours a week,  
9                   roughly.

10                  Q           Okay. I need you to try to do your  
11                  best to be as specific as possible because you're  
12                  claiming unpaid money for it.

13                  A           Yeah. And I don't have any way to  
14                  back it up because I didn't keep those records. I  
15                  was told to turn it in. So it's mere speculation  
16                  on my part. So if I can't prove that, I can't  
17                  prove it, but I'm just going based on what I can  
18                  recall.

19                  Q           Okay. And you think you were --  
20                  you think you worked 60 hours per week?

21                  A           And I'm -- I'm going to say that  
22                  that was -- that that's probably conservative.

23                               Let me do it this way. I would  
24                  work a shift with them almost every day. Then I  
25                  would work four, maybe six, seven hours before

1 that, then go home for a while, and then come  
2 back.

3 So like if I had things to do  
4 during the day. I've gone to court a couple of  
5 times, you know, with house counsel.

6 Q Sure.

7 A And I've had things, you know, that  
8 had to be done during the day, insurance  
9 investigations, something like that. But then I  
10 would be back out at night because I didn't want  
11 one person out there. It's unsafe for one person  
12 to be back there by themselves in this  
13 environment. So I would be out.

14 And then if I got called out for,  
15 like I said, for emergency things, I didn't  
16 calculate that because at that point I felt like  
17 it was just in a situation where I was just going  
18 to get paid salary and that was it.

19 Q Okay. So 911, the officers would  
20 call you because you were supposed to be manager  
21 of the department; right?

22 A Well, sometimes officers would call  
23 me.

24 Q Okay.

25 A Normally --

1           Q           You said they were directed to call  
2   you, so...

3           A           No, no, no. I think we're talking  
4   about two different things.

5           Q           Okay.

6           A           The 911 dispatch, the police  
7   dispatch or fire dispatch would call my house.

8           Q           Yeah.

9           A           I also had a radio that  
10   communicated with the police --

11          Q           Okay.

12          A           -- and the fire. So I had police  
13   and fire channels.

14          Q           All right.

15          A           So I would get calls to respond.

16          Q           Okay.

17          A           Now, as far as the employees, yes,  
18   we'll go back to our previous conversation -- the  
19   previous question -- where if they got in a  
20   situation where they ran up on something, hadn't  
21   been reported to 911 -- I seem to recall that they  
22   rolled up on a stabbing where a woman was  
23   murdered, and they got there before 911 got it,  
24   I'm pretty sure, because they saw it on normal  
25   patrol and I was heading that way when I got the

1 call.

2 Q When you got the call.

3 A So, yes, they would let me know --

4 Q Okay.

5 A -- as I would have let them know,  
6 and I always did let them know when 911 called me,  
7 Hey, you need to roll this direction.

8 Q Okay. I'm trying to clarify,  
9 though.

10 But 911, when the police or  
11 firehouse called you, it was because --

12 A I was the manager.

13 Q Right, okay.

14 A That is correct.

15 Q Okay.

16 Okay. And the -- to the best of  
17 your recollection, you're going to say you worked  
18 60 hours per week, because you're going to have to  
19 answer this.

20 A Yes.

21 Q It was due today. And so that's  
22 why I'm trying to press you on --

23 A I understand.

24 Q -- now is the time to do to the  
25 best of your recollection how many hours a week

1 are you going to submit in this case.

2 A To the best of my knowledge and  
3 belief, a typical week would be 60.

4 Q Okay.

5 A And I'm sure it was more, but I  
6 don't want to overstate and I don't want to  
7 understate. But a typical week -- I don't have a  
8 pen. So if I worked -- if I came in at eight and  
9 worked until one, about 8:30, 9:00, worked until  
10 12:30, 1:00, that's four hours.

11 Q Okay.

12 A So if I go and I add those four  
13 hours, that's going to turn a 40-hour week into a  
14 68-hour week because that's -- 7 times 4 is 28 on  
15 top of 8 hours at night, so I'm going to say 60  
16 hours --

17 Q Okay.

18 A -- because it wouldn't be every  
19 single day.

20 Q Right.

21 A But then it would also be weekends,  
22 Saturdays, Sundays. A lot of times we had no  
23 coverage on Saturdays and Sundays after that  
24 was -- so I would work both days.

25 Q Okay.



1           A           I would go to church, leave church,  
2           come to work.

3           Q           So I thought at the beginning of  
4           your testimony you said you would keep track of  
5           your hours worked.

6           A           I did until I went on salary.

7           Q           Okay. And then you stopped?

8           A           Yes.

9           Q           Okay. But didn't you stop because  
10          when you first took the job you thought you were  
11          salaried and not entitled to overtime because you  
12          were a manager?

13          A           No. I stopped because I was told  
14          to turn in 40 hours.

15          Q           Okay. And did they tell you to  
16          turn in 40 hours because you don't get paid  
17          overtime --

18          A           Yes.

19          Q           -- as a manager?

20          A           Yes.

21          Q           That's why?

22          A           Yes.

23          Q           Okay. Mr. Carman, have you  
24          understood all the questions I've asked you today?

25          A           I have.

1           Q           Okay. And is there anything you  
2 want to add? Do you want to add to your testimony  
3 at all?

4           A           There was something came up awhile  
5 ago, and I don't think it's even worth bringing  
6 up.

7                       MR. SHORT: I'm not sure...

8                       THE WITNESS: You don't have  
9 anything?

10                      MR. SHORT: We'll reserve our  
11 questions for trial.

12                      THE WITNESS: Okay. Understood.  
13 Nothing that comes to mind.

14                      MS. NORTH: Okay. I understand.

15                      All right. I thank you for your  
16 time today, Mr. Carman.

17                      And I would just say to you that  
18 your attorney is working on answering discovery  
19 that we sent you. It's a request for documents  
20 and answering some questions that we sent you, and  
21 I just hope you receive those and review those  
22 with your counsel.

23                      THE WITNESS: Thank you.

24                      MS. NORTH: Thank you for coming in  
25 today.

1 (Whereupon, the deposition was  
2 concluded at 3:44 p.m.)  
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Mark Carman - May 15, 2023

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\_\_\_\_\_  
MARK L. CARMAN

COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

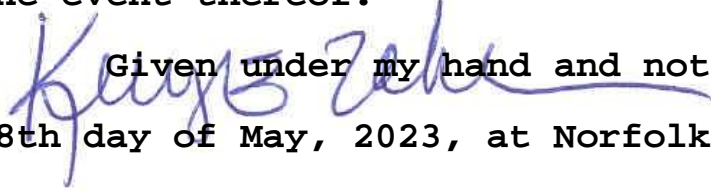
\_\_\_\_\_  
Notary Public  
MY COMMISSION EXPIRES:

\_\_\_\_\_

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Kerry E. Zahn, RMR-CRR, eNotary and  
3 Notary Public for the Commonwealth of Virginia at  
4 Large, of qualification in the Circuit Court of  
5 the City of Norfolk, Virginia, and whose  
6 commission expires March 31, 2025, do hereby  
7 certify that the within named deponent, MARK L.  
8 CARMAN, appeared before me at Portsmouth,  
9 Virginia, as hereinbefore set forth, and after  
10 being first duly sworn by me, was thereupon  
11 examined upon his oath by counsel for the parties;  
12 that his examination was recorded in Stenotype by  
13 me and reduced to computer printout under my  
14 direction; and that the foregoing constitutes a  
15 true, accurate and complete transcript of such  
16 proceeding.

17 I further certify that I am not related to  
18 nor otherwise associated with any counsel or party  
19 to this proceeding, nor otherwise interested in  
20 the event thereof.

21  Given under my hand and notarial seal this  
22 18th day of May, 2023, at Norfolk, Virginia.

23

24 Kerry E. Zahn, RMR-CRR

25

Mark Carman - May 15, 2023

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<hr/>	<b>2014/2015</b> 15:10	<hr/>	<b>90</b> 52:8
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